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- 60 petroleum.
55. The composition as claimed in claim <sup>56</sup>52, which further comprises an oil thickener which is silicon based.
- 61  
56. The composition as claimed in claim <sup>56</sup>52, which further comprises a pesticide.
- 62  
57. The composition as claimed in claim 42, wherein there is no added water present in the composition.
- D4 63  
58. The composition as claimed in claim <sup>62</sup>57, wherein said natural gum is a non-derivatized guar gum, cationic guar gum, non-cationic guar gum or mixtures thereof.
- 64  
59. The composition as claimed in claim <sup>62</sup>57, wherein said oil is mineral oil or paraffinic petroleum.
- 65  
60. The composition as claimed in claim <sup>62</sup>57, which further comprises an oil thickener which is silicon based.
- 66  
61. The composition as claimed in claim <sup>62</sup>57, which further comprises a pesticide. ←

#### REMARKS

Applicants respectfully request reconsideration in view of the amendment and following remarks. The applicants amended the specification by describing each of the examples. No new matter has been added. Support for amended claim 42 can be found in the specification at page 8, lines 9-10. The specification indicates that for oil based formulations that the formulations may contain water but this is generally not required. See the example 8 of the oil based formulations in which there is no added water and the oil is present in an amount greater than the water. Support for newly added claims 48-50, 53-56 and 58-61 can be found in claims 43-46. Independent claim 47 is claim 43 written in the independent form. Claim 51 is similar to claim 42 except for limiting the oil to the specific oils disclosed at pages 5-7 of the specification. Support for claim 52 can be found in the specification at pages 5-7. Claim 57 is similar to claim

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42 except for limiting the amount of water. It is clear from the specification for oil based formulas, that water is not even necessary to be present (see page 8, lines 9-10 (Oil based compositions of this invention may contain water, but this is generally not required until the end user adds the concentrate to water for final use) and example 8 (no water present)). The Examiner indicated that claims 43-46 are allowable.

Claims 42-61 are pending. Claims 42, 47 and 51 are the only independent claims. There a total of twenty claims and three independent claims. No additional fee is required for the amendment with respect to the additional claims.

Claim 42 was rejected under 35 USC §102 (b) as being anticipated by Heitz et al UA 5,798,112, ("Heitz"). To the extent that this amendment does not overcome this rejection, the applicants respectfully traverse this rejection.

Again, the applicants have three independent claims (42, 47 and 51).

Claim 42 requires that there is more oil than water used. The optimum composition in Heitz uses 4.5 % water and 1% soybean oil (see col. 29). This is the opposite of the applicants' claimed invention of claim 42 which requires the use of more oil than water.

Claim 47 is claim 43 rewritten in the independent format. This claim requires that the natural gum is a non-derivatized guar gum, cationic guar gum, non-cationic guar gum or mixtures thereof. As the Examiner correctly recognized, this claim is not rejectable over Heitz.

Claim 51 requires specific oil. Unmodified vegetable oil is not included in the list of ingredients found in claim 51. It is recognized that soybean oil is possible, but only if the soybean oil is altered. It must be alkylated (alkylated natural oil such as soybean oil) or an epoxified (epoxified seed oil such as soybean oil). Heitz does not teach the use of an alkylated or epoxified soybean oil. For the above reasons, the applicants believe that their claimed invention

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is patentable and that this rejection should be withdrawn.

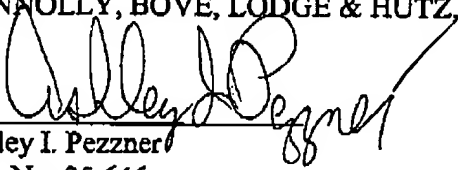
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No additional fees are due. If there are any additional fees due in connection with the filing of this response, including any fees required for an additional extension of time under 37 CFR 1.136, such an extension is requested and the Commissioner is authorized to charge or credit any overpayment to Deposit Account No. 03-2775.

A prompt and favorable action is solicited. The applicants believe that these claims are in condition for allowance, however, if the Examiner disagrees, the applicants respectfully request that the Examiner telephone the undersigned at (302) 888-6270.

Respectfully submitted,

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**APPENDIX 1**

## Example 8:

<u>Ingredients</u>	<u>% by weight</u>
Mineral oil	86.0%
<del>Agare</del> <u>Agrho</u> DR-2000	5.0%
Emulsifier	5.0%
Aerosil R-972	4.0%

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## APPENDIX 2

42. A An oil based homogenous liquid composition comprising

(c) at least one oil and

(d) a natural gum

with the proviso that there is less than 10% water present in the composition and said oil is present in the composition in an amount greater than said water.